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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,140	09/12/2003	Jeffrey George	60518-163	7738

27305 7590 01/25/2005

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EXAMINER

CHERUBIN, YVESTE GILBERTE

ART UNIT	PAPER NUMBER
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3713

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.		Applicant(s)	
	10/661,140		GEORGE ET AL.	
	Examiner		Art Unit	
	Yveste G. Cherubin		3713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-65 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-65 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>1-16-04</u> | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. This action is in response to the US Application No. 1/661,140 filed September 12, 2003. Claims 1-65 are pending.

Priority

2. Applicant's claim for domestic priority under 35 U.S.C. 119(e) is acknowledged. However, the provisional application upon which priority is claimed fails to provide adequate support under 35 U.S.C. 112 for claims 1-58 of this application. The player tracking system being implemented in the gaming system of this provisional application is not supported by the specification of the provisional US Application No. 09/967,571. Accordingly, September 12, 2003 is being considered as the appropriate filing date for this instant application.

Double Patenting

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

~~Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer.~~ A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

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Claims 1-65 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over:

- a. Claims 1-73 of copending Application No. 10/661,129,
- b. Claims 1-105 of co-pending Application No. 10/661,133
- c. Claims 1-58 of co-pending Application No. 10/661,392
- d. Claims 1-60 of copending Application No. 10/661,145,
- e. Claims 1-49 of co-pending Application No. 10/661,233
- f. Claims 1-79 of copending Application No. 10/661,391,
- g. Claims 1-88 of co-pending Application No. 10/661,395
- h. Claims 1-69 of co-pending Application No. 10/661,131

Although the conflicting claims are not identical, they are not patentably distinct from each other because similarly they all teach a remote system for use with a gaming system, the remote system comprising wireless connection, a processor, a web client, etc....

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an

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international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-18, 29-49, 61-65 are rejected under 35 U.S.C. 102(e) as being Paulsen et al. by (US Patent No. 6,712,698).

Regarding claims 1-18, 29-49, 61-65 Paulsen discloses a gaming system comprising a host computer coupled to a remote terminal or a remote computer, said remote computer being connected to the host computer via a network such as the Internet, for exchanging data between the host and the remote computer, 29:15-30. Paulsen further discloses his gaming system implementing a player tracking system, (62). Paulsen discloses providing a database for maintaining player information including attendance, 32:57-61. Paulsen discloses using wireless connection such as IEEE 802.11 standard, IEEE 802.11b, IEEE 802.11 g to couple the remote device to the remote network interface, 3:43-60, 11:35-63. Paulsen discloses providing web interface allowing view of web pages, and further discloses acquiring input from users, formatting and presenting data to users, 4:39-47, 6:17-25. Paulsen discloses data including player information, an attendance form being fillable with the identification information by users, as shown in Fig 3E, 17:21-36, 19:20-24. Paulsen discloses displaying messages when all required information on the attendance form has not been entered, 32:8-11. Paulsen discloses providing a database for storing and retrieving data, 32:58-61. Paulsen discloses data including player name, as shown in Fig 3E, and player identification card number, and personal identification number, 15:60-62, 30:53-56. Paulsen discloses including a touch-screen display for capturing a signature of the player, as shown in Fig 3E, 17:22-34. Paulsen further discloses a card

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containing identification number, 12:1-4. Paulsen discloses determining the validation of the identification card, 12:18-31. Paul further discloses storing the identification information if the identification card number is valid, 12:29-32. Paul discloses a card reader (24) for reading the identification card number from a player identification card, 11:63-12:4. Paulsen discloses the player attendance information including gaming machine location or identifier, 12:33-38.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 19-28, 50-59, are rejected under 35 U.S.C. 103(a) as being unpatentable over Paulsen et al. (US Patent No. 6,712,698).

The disclosure of Paulsen has been discussed above and is therefore incorporated herein. Regarding claims 9-28, 50-59 Paulsen discloses using a database to store data. Including information data in database tables is a well known feature. It would have been within the level of one of ordinary skill in the art at the time the invention was made to provide such feature in order to facilitate data storage and retrieval. Paulsen discloses creating and storing records containing player information, 12:28-32. Paulsen discloses using web interface to display data to players. As for the remote

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network interface responding into a hypertext markup language, it is well known that web clients and web servers communicate using a protocol called HyperText Transfer Protocol (HTTP), which means when a browser opens a connection to a server and initiates a request for a document, the server delivers the requested document, typically in the form of a text document coded in a standard Hypertext Markup Language (HTML) format. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the feature cited into the Paulsen type system in order to enhance data display. As for the servlet, it is well known that a servlet is a Java program that extends the functionality of a Web server by generating dynamic content and interacting with web clients using a request-response paradigm. Servlets are referred to as server-side applets or applications. Similar to the way applets run on a browser and extend a browser's capabilities, servlets run on a Java-enabled web server and extend the Web server's capabilities. It is well known to those skilled in the art that servlets may be local or remote. Servlets may reside on a web server receiving a request from a web client or may be located on a server remotely located from the web server receiving a web client request. Paulsen discloses using web interface to view web pages on the Internet, 6:17-20. Accordingly, it would be well within one of ordinary skill in the art at the time the invention was made to provide such feature into the Paulsen type system to provide a sophisticated system to players. Paulsen discloses using web client and further discloses identifying players prior to using the system, 12:19-33. Paulsen discloses web client and further discloses displaying a list of game services and allowing players to navigate thru those services

to make selection, 6:66-67, 7:1-12. Paulsen discloses using web interface to display data to players. Paulsen further discloses allowing access to game service interface only to players with special status, therefore restricting access to all other players, 16:26-34.

Prior Art Citations

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO Form 892 attached.

Conclusion

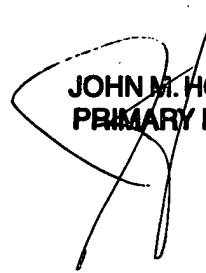
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yveste G. Cherubin whose telephone number is (571) 272-4434. The examiner can normally be reached on 9:30 - 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Xuan can be reached on (571) 272-7147. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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JOHN M. HOTALING, II
PRIMARY EXAMINER